

Mayor David Anderson called the regularly scheduled council meeting of December 16, 2008 to order at 6:30 p.m. Present for the meeting were Mayor Anderson, Council President John Langs, Council Members Dave Sims, Connie Wells, and Dave Gray, Clerk Kris Larson, City Administrator Stephen Boorman, Police Chief Rick Alonzo, Fire Chief Pat Warkentin, and Economic Development Coordinator Mike Sloan. Also present were Marcia Cossette, Karen Schumacher, and Darrell Kerby.

Darrell Kerby asked about the Myrtle Creek Preserve. He advised council not to undo it. He said there was special legislation brought by Marion Davidson and Idaho passed a law making Myrtle Creek a preserve specifically because it protects our water system. Greg Johnson, Idaho Fish and Game Service, joined the meeting at 6:34 p.m. Greg said the Myrtle Creek Game Preserve has been around since the 1940's and the Fish and Game was established in 1938. The David Thompson Preserve near Hope and Myrtle Creek Game Preserve are the only two left preserves left. They were originally established to protect the wild game. He said there have been problems historically with hunting because it is federal land. Greg had some temporary signs put up. Greg said it does not serve its original purpose biologically. He said as for the protection of the water shed the odds of an animal dying and falling in the creek are more likely than someone killing an animal and it falling in the creek.

Darrell Kerby said the Myrtle Creek Preserve was not established by Fish and Game but it was a special legislative piece. The limitations were put on the preserve due to human problems that can be found and to keep off road people out of the area to keep our water shed safe. Mayor Anderson said there are issues coming to light because people from outside of the area are coming in and hunting and our local people do not like that and there is no signage. Darrell said the people need to know that it is a game preserve and also the city's watershed. Darrell said there was a Myrtle Creek Coalition that included the Forest Service, Idaho Fish and Wildlife, Idaho Department of Water Quality, and City of Bonners Ferry. He said the agencies would respond favorably to signage if they knew of the problem we are experiencing. Greg Johnson said hunting and fishing are prohibited by the legislation. Darrell said people would respect our watershed and protect it if they understood. Darrell said the preserve is established by law. John Langs asked if we would have to have permission from the Forest Service to erect a sign. Darrell said we would and they would be happy to do it. Greg Johnson left the meeting.

Darrell spoke about city liability. He said the Idaho Constitution prohibits lending of credit by governments. He said ICRMP is a municipality of the State of Idaho created by the legislature and operates under a joint powers agreement. He said the city cannot insure entities that are not governmental entities. When someone comes to the city and wants the city to sponsor events and the council agrees the city will be covered but the entity making the proposal will not be covered. It is easier to assist a group that is not formerly established. He said we could authorize a group as volunteers of the city and protect them when they put on the event. If they are a legal organization we cannot cover the organization but the city will be covered. The organization needs to understand that in order for them to be covered their insurance will need to be in place. Mayor Anderson said the Friends of Downtown for instance might fit the parameters of a volunteer group. Darrell referred to it like giving the city check book to a group when we provide the insurance for them. He said the important part of this matter would be that

whoever asks for coverage to be waived or covered under the city's policy is that they know that they are not covered themselves. Mayor Anderson asked if we should have groups sign disclaimers. Darrell said clarity is the best picture and it needs to be provided to these groups so they know that they are not covered. He said to let him know when we do cover someone under our policy so he can let ICRMP know. Stephen asked how much it costs for a liability policy. Darrell said the cost would be between \$600-\$1,000 for such a policy. David Sims asked how much it would cost to insure a board such as the Selkirk Saddle Club for meetings during the year. He could not give an answer because there were too many unknowns. Darrell said if the city does not feel that the entity is benefit enough to the taxpayers that the city's check book be put on the line then the entity should provide some insurance.

Rick Alonzo said we have had three DUIs and two were over .20 BAC – one was a felony. There were four accidents over the past two weeks – one was a city pickup where Bob Moir ran into it. Three domestic disputes, nine minor in possessions for smoking, four warrant arrests, and two shop lifting charges have also happened. The evidence room remodel is progressing so the Mayor's office can be available soon.

Pat Warkentin said the fire department was on the scene of the accident on the bypass for five hours with several pieces of equipment on site. The accident encompassed four lanes of the bypass and the troopers that investigated came from Coeur d'Alene. The firefighters have had their CPR and first aid training.

Stephen thanked Council for the Christmas party and said it was a success. The Wildlife Refuge will be creating signs for the Visitor Center. The new snow storage site is working out well. The Kootenai Ponderay Sewer District was toured by Stephen, John, and Dave Sims. Mayor Anderson asked how common electrical outages are in the cold weather. Stephen said cold does not make the outages more common but ice on the lines can be a problem. He said the loads on the feeders are being watched carefully. He said our heat load is up there.

Mike Sloan said the hangar building at the airport has been difficult to rent out due to the requirement that the building use must be aviation related. There is interest from the Border Patrol to house their helicopters in the hangar building. Mike thinks it could be good for the community. The helicopters are currently coming out of Spokane.

Dave Gray asked to move item #6 of the consent agenda to new business. John Langs moved to approve the consent agenda items #1-#5. Dave Sims seconded the motion and it passed, all in favor. The consent agenda contained the following: roll call; approval of payroll and accounts payable; and approval for two employees to attend Leak Detection Class in Lewiston on January 29, 2008.

Mayor Anderson is contemplating a special council meeting on January 13th to consider budget issues. Dave Sims asked if the year will be closed out by then. Clerk Larson said it will not be completely closed but she would get the General Fund adjusted. The meeting will be set depending on the Auditor's schedule.

John Langs spoke of a two percent increase overall from the city divided by the number of hours annually and it works out to be \$.39 per hour per employee.

Dave Gray spoke about the sick leave bank. He said the city needs to decide if we will have a sick leave bank or VEBA. There are employees in need of additional sick time that work for the city. He asked if it is legal for the city to carry an employee until disability benefits kick in if they are unable to work and there is a waiting period. Tim Wilson said if an employee cannot come in and work and we provide coverage and wages we may be in violation. If it is for compensation reasons not just for medical reasons we may be okay. Dave Gray said after the employee has exhausted all sick and vacation and there is a waiting period before they reach a program is the time frame he is speaking of. Tim does not see a problem with the transfer of sick days for compensation but there may be a problem with health insurance. Darrell said the health insurance benefits will cease if the employee cannot meet the hours worked requirement. He said the city should have a policy that is not open ended and said it would be a budget nightmare. Darrell said there are disability policies that individuals can obtain to carry them through. He said the premiums for disability are set so they can be budgeted. Darrell said as long as the city carries the employee as an employee that the employee could stay on the health insurance. Dave Gray said with the age group of our employees that the sick leave bank would not be used very often and he does not want to put an employee out in the cold. Mayor Anderson asked if there are disability policies available. Darrell said there are policies available. Dave Sims asked how to choose the best company for a disability policy where the employees would pay the premiums. Darrell said to have an agent look at the different coverage. Darrell said employees can pick up the coverage of this type on their own. Mayor Anderson said we can look on this on an individual basis.

The NWPPA Engineering Conference was discussed. Dave Gray asked about the cost estimated at \$2,040 for two employees to attend. Mayor Anderson said the cost would be from the electric utility fund and there is money saved due to the conference being in Spokane. Stephen said the conference rotates the location and it is a trade show with training provided. Dave Gray moved to approve the attendance of the NWPPA Conference in Spokane from April 20-24, 2009. Dave Sims seconded the motion. The motion passed, all in favor.

John Langs moved to authorize the Mayor to sign the ICDBG pay request paperwork for phase 2 water project. John Langs seconded the motion and it passed – John Langs “yes”, Dave Sims “yes”, Connie Wells “yes”, Dave Gray “yes”.

John Langs moved to authorize the Mayor to sign the close out paperwork for the Department of Commerce grant on water project phase 1 and 1A. Connie Wells seconded the motion. The motion passed – John Langs “yes”, Dave Sims “yes”, Connie Wells “yes”, Dave Gray “yes”.

Rick Alonzo spoke about the animal pound caretaker hire. The two people hired a couple weeks ago have left – one left the area and the other felt it was too difficult. There is a married couple that has been taking care of the pound in the meantime. Dave Gray moved to hire Teresa Kizer and her husband at a maximum of 18 hours per week at \$8.00 per hour and pay them retroactively to their start date. Connie Wells seconded the motion. The motion passed, all in favor.

Karen Schumacher spoke to Council regarding the Pawsitive Works Program and said the animals would be coming from the animal pound if Council will approve it. She asked if the animal pound dogs can be transferred twice per week to the Armory for training with the youth. Second Chance Animal Adoption and Pawsitive Works will provide insurance for the program. The desire is to house the pound dogs but would like permission to use the pound dogs. Connie asked how long this program is. Karen said it is a six week program. She said if a dog is adopted during the program that she will house the dogs until the program is complete. Tim Wilson said the city will need to be listed as an additional insured on the insurance policy. Stephen asked if the training would be on city property. Karen said it mostly will not be but there will be a small portion where the students are taught to let animals in and out of their cages. Stephen asked how much room is needed for training. Karen said it needs to be inside and a bit bigger than the council room. John Langs moved to allow the Pawsitive Works Program to use the pound animals and have the city listed as an additional insured. Dave Gray seconded the motion. Tim said a short contract should be established. He will write up a short contract. John amended his motion to include authorization for the Mayor to sign the contract. Dave Gray agreed to the amended motion. The motion passed – John Langs “yes”, Dave Sims “yes”, Connie Wells “yes”, Dave Gray “yes”.

Karen Schumacher left the meeting.

Pat Warkentin spoke to council regarding the proposed addition at Fire Station two. It is a detached structure. Stephen said it will be a gravel floor with three walls that is not heated or insulated. Pat said in the future a concrete floor could be poured and also at some future time doors could be installed. The sheet metal is still in question from Riley Creek as to whether or not we will be able to get it from them. The construction will not take place until the weather warms up. Dave Sims moved to authorize the expenditure of up to \$10,000 for the structure at Fire Station two. Connie Wells seconded the motion. The motion passed, all in favor.

Pat Warkentin left the meeting.

Dave Gray moved to authorize the Mayor to sign the Mutual Aid Agreement with Cabinet Mountains Water District. John Langs seconded the motion. The motion passed – John Langs “yes”, Dave Sims “yes”, Connie Wells “yes”, Dave Gray “yes”.

The contract with JUB Engineering was discussed. Stephen said the advantage to chlorination is that it will help us meet the algae control standards required by our discharge permit but the disadvantage is the cost of chemicals. The contract will allow the chlorination process to be developed and also work on the leak testing. Mayor Anderson asked about the bypass of the lagoons. Stephen said the seepage test is not complicated but the outfall areas need some work and this will be an upcoming issue. Connie asked why we are starting the testing now rather than waiting until 2012 when it will be required. Stephen said the sooner we find out the integrity of our ponds the better. He said we may end up with membrane filtration to meet the tighter requirements. Connie said she hates to spend more money on testing and more surveys if it is not necessary. Dave Sims said he felt much more confident after speaking to Brett with JUB than he did from just reading the information. Mayor Anderson said 2012 comes quickly. Dave

Sims said the Kootenai Ponderay Sewer District is similar in size to ours and that their sewer charge needs to be \$27.00 per month and the hook on fee is \$7,900. The hook on fees are used to fund their improvements. Dave Sims moved to authorize the Mayor to sign the contract with JUB for leak testing not to exceed \$15,000 and also authorize up to \$4,950 for algae control compliance study. John Langs seconded the motion. The motion passed – Dave Sims “yes”, John Langs “yes”, Connie Wells “yes”, Dave Gray “yes”.

The conservation program was briefly discussed. Stephen said we will come up with something by January. He said we may be able to donate light bulbs for organizations to sell for fund raising.

David Sims officially resigned as Councilman as of December 17, 2008. Mayor Anderson said he will recommend the name of Chris Clark to fill the vacated seat on the council. He said Chris has experience and he would have to run in the next year. Mayor Anderson asked to set a special meeting on December 18, 2008 at 8:00 a.m. Tim Wilson said the Mayor makes the appointment for council person but the council must confirm it.

Dave Gray moved to go into executive session per Idaho Code 67-2345 (c) (f) at 8:17 p.m. Dave Sims seconded the motion. The motion passed – John Langs “yes”, Dave Sims “yes”, Connie Wells “yes”, Dave Gray “yes”. At 9:45 p.m. executive session ended. No action was taken.

John Langs moved to table the attorney contract. Connie Wells seconded the motion. The motion passed, all in favor.

There being no further business, the meeting adjourned at 9:49 p.m.

David K. Anderson, Mayor

Attest:

Kris Larson, City Clerk